

Larr Kelly - LOD Comments from the WMSSC

**WMSSC
COMMENTS**

From: Bruce McGranahan <bruce@audubonnaturalist.org>
To: <larr.kelly@loudoun.gov>
Date: 5/14/2009 3:38 PM
Subject: LOD Comments from the WMSSC
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Attachments: WMSSC Comments on LOD.pdf

Larr,

I'm pleased to provide the attached comment letter on behalf of the Loudoun Watershed Management Stakeholder Steering Committee. Thank you for including our input both for discussion by the Planning Commission and in development of the LOD ordinance language.

If you have any questions please contact me directly at 703-669-2561 or by email.

Thank you,

Bruce McGranahan
 Director, Rust Nature Sanctuary

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*The Audubon Naturalist Society was selected
 as one of the "finest smaller charities
 Greater Washington has to offer"
 by the Catalogue for Philanthropy*

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Dear Chairman Maio and members of the Planning Commission:

The members of the Loudoun Watershed Management Stakeholder Steering Committee (WMSSC) want to thank the Planning Commission for the opportunity to review and comment on the proposed Limestone Overlay District Ordinance (LOD).

WMSSC was established as an outcome of the County's *Strategic Watershed Management Solutions* initiative in 2006. The "SWMS" project brought together stakeholders representing over 40 organizations to reach a consensus on how watershed planning and watershed management should be accomplished in Loudoun County. One of the key recommendations of the SWMS final report was to continue stakeholder participation in watershed issues using a committee that could voice the interests and concerns of county businesses and residents. WMSSC members represent constituents in six categories: agriculture, building, business, conservation, government, and residents. We believe the broad representation of varied stakeholder interests engaged in consensus decision-making is a powerful way to vet issues related to protecting Loudoun's watersheds.

The committee reviewed the draft LOD and discussed it during our April 2 and May 7 meetings. The committee reached consensus agreement on the following comments:

1. The members of WMSSC unanimously endorse protection of surface and groundwater in the Limestone Conglomerate area. We recognize the sensitivity of Karst topography, its susceptibility to surface water infiltration, and we support appropriate regulation to prevent groundwater contamination.
2. The committee understands that existing uses and structures are exempt from this ordinance, even though there are almost certainly existing conditions that are causing groundwater pollution. Because existing uses are exempt and the fact that the regulation will not address every situation, we believe that education is an absolute necessity. The committee strongly recommends that the Board of Supervisors institute an education program for citizens currently operating businesses or living within the area of the LOD. The education should be focused on the potential problems that can occur, specific measures to prevent problems, and encourage individual action by property owners and businesses in the LOD.
3. The WMSSC believes that there should be a definitive statement, giving clear direction and understanding to all of those who are implementing or may be subject to the ordinance, of how and when these ordinance changes will apply.
4. Ordinance Section 4-1903(C)(1), Agricultural Operations, exempts agricultural operations located in the LOD that are "covered" by a conservation farm management plan. The committee believes that stronger language is necessary. Agricultural operations should

comply with their own conservation farm management plans. As such, the committee recommends that the language be changed to read “covered and conducted only in conformance with a...” This will insure that agricultural operations are not only covered by the conservation farm management plans, but that operators fully comply with the requirements of those plans.

5. Ordinance Section 4-1907(B) Site Grading. This section of the ordinance states that a grading permit is required for “all land disturbing activities”. The committee believes that some measurable standard needs to be used in this section to define the limits of land disturbing activities. It is our understanding that the current standard requires a grading permit for disturbances of 5,000 square feet or more. Due to the sensitive nature of this land form, the County may wish to consider something less than 5,000 square feet. With the requirement as written, a 10 x 10 vegetable garden could be deemed to require a grading permit. The committee recommends that the scope of activities requiring a grading permit be reasonable and clearly defined.
6. Ordinance Section 4-1907(E), (F), and (G). This section of the LOD requires the use of communal wastewater systems and communal wells in all subdivisions containing eight (8) or more lots. We recommend that the threshold number of lots that triggers these requirements be consistent with Loudoun Water’s policies to ensure that Loudoun Water will accept long term maintenance of these systems. The committee is concerned that private maintenance of communal wastewater systems in the LOD could create serious problems.
7. Also with regard to Ordinance Section 4-1907(E), (F), and (G), the committee is further concerned in that the vast majority of the LOD has an underlying zoning of AR-1. The minimum lot size in the AR-1 district is 20 acres. The committee recognizes that there are alternative development options in the AR-1 district consisting of the principle /subordinate subdivision option and the cluster subdivision option. Under these latter two subdivision options smaller lot sizes may be achieved. The committee believes that the requirement of communal wastewater systems for the base density division option, where the minimum lot size is 20 acres, is inappropriate. If a communal wastewater system is used for a development with large lots, this will require a significant amount of underground sewer pipe to be run throughout the property. Installation of an extensive length of underground pipe would have greater impacts on the land and potentially cause contamination. Therefore, the committee recommends that communal wastewater and water systems only be used where lots are clustered.

8. Ordinance Section 4-1908(B)(1) and (2). These sections of the ordinance indicate that the County “may” not grant density increases otherwise permitted under the clustering provisions of the zoning ordinance, but “may” require the use of the cluster development option. The committee is concerned that the use of the word “may” will create implementation problems for both the County staff and private sector. The LOD requires studies and establishes setback requirements from environmentally sensitive features, which will guide the development pattern. The rationale for any additional mitigation measures should be clearly spelled out and only be required on the basis of test results.

Again, we appreciate the opportunity to provide input on the LOD. We believe the LOD is a necessary step in providing watershed protection for the County. We also believe stakeholder review and comment will lead to an ordinance that is more effective and able to be successfully implemented.

With regards,

A handwritten signature in black ink, appearing to be 'BM', with a long, sweeping horizontal line extending to the right from the top of the signature.

Bruce McGranahan, Chairman

- Loudoun Watershed Management Stakeholder Steering Committee